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GP. 3739
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PATENT
Attorney Docket No. 0320-0018

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:
Michael D. Hooven, et al.
Serial No.: 10/015,862
Filed: December 12, 2001
Group Art No.: 3739
Examiner: Rosiland S. Kearney
For: TRANSMURAL ABLATION DEVICE
WITH SPRING LOADED JAWS

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1. Transmittal Form PTO/SB/21 (1 sheet);
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4. 1 U.S. Patent;
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Signature: May Casimiro



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TRANSMITTAL FORM

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		Application Number	10/015,862
		Filing Date	December 12, 2001
		First Named Inventor	Michael D. Hooven
		Art Unit	3739
		Examiner Name	Rosiland S. Kearney
Total Number of Pages in This Submission	*	Attorney Docket Number	0320-0018

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
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<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	Other Enclosures: - 1 U.S. Patent; - \$180.00 IDS fee, Check No. <u>16460</u> ; - PTO/SB/08A; - Certificate of Mailing; and - Return-Receipt Postcard	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Gary W. McFarron, Esq.
Signature	<u>Gary W. McFarron</u>
Date	April 5, 2004

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Signature:	<u>May I. Casimiro</u>

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FIFTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 C.F.R. §1.97, Applicant hereby calls the Examiner's attention to the document (U.S. Patent No. 6,126,658) listed on the attached form, which document may be material to the examination of this application. A copy of this document is enclosed herewith for the Examiner's consideration.

Applicant also calls the Examiner's attention to documents listed on pages 2-3, 4, and 9-11 of the attached PTO/SB/08A form. These pages were previously submitted with an Information Disclosure Statements mailed May 17, 2002, and September 10, 2003. However, the Examiner's Office Actions, mailed December 14, 2002, and October 13, 2003, did not include copies of these

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pages with the Examiner's initials indicating that these pages have been considered. Therefore, applicants are resubmitting these pages for the Examiner's attention. A copy of each of these documents was provided either in U.S. Patent Application Serial No. 10/032,378, filed October 26, 2001, or in U.S. Patent Application Serial No. 09/747,609, filed December 22, 2000, now issued patent 6,546,935, which are relied upon for an earlier effective filing date. Accordingly, copies are not enclosed, but such copies can be provided to the Examiner upon request to the undersigned attorney.

No inference should be drawn that any apparatus or method disclosed is equivalent to the subject invention. Also, the citation of the above-discussed documents is not to be construed as an assertion that more pertinent art could not possibly be in existence. Citation of any document herein is not to be construed as an admission that any subject matter disclosed in the document is necessarily within the inventive field of endeavor, that any disclosure is necessarily prior in time to a particular date which may be relevant to the instant patent application, and/or that any disclosure is otherwise necessarily prior art with respect to the instant invention.

Applicant also respectfully reserves the right to later set forth how the instant invention is distinguished over the

disclosure of any document or other art, including the disclosure of those documents discussed herein, that may be cited by the Examiner in rejecting a claim in the present patent application.

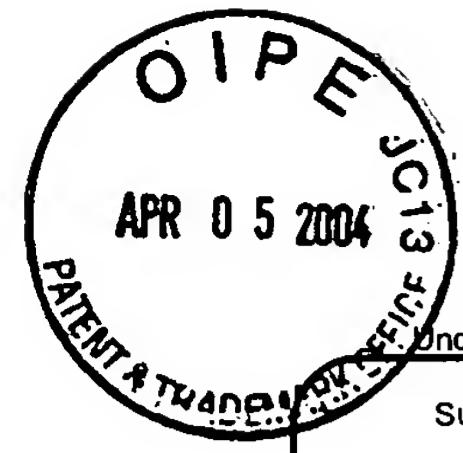
This information disclosure statement is being filed after the first office action but before the mailing date of any final action, a notice of allowance, or an action that otherwise closes prosecution in the application and it is accompanied by a check in the amount of \$180.00.

Respectfully submitted,

Date: April 5, 2004

By: Gary W. McFarron

Gary W. McFarron, Esq.
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Attorneys for Applicant



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Substitute for form 1449/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 1

Complete if Known

Application Number	10/015,862
Filing Date	December 12, 2001
First Named Inventor	Michael D. Hooven
Art Unit	3739
Examiner Name	Rosiland S. Kearney
Attorney Docket Number	0320-0018

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U.S. PATENT DOCUMENTS

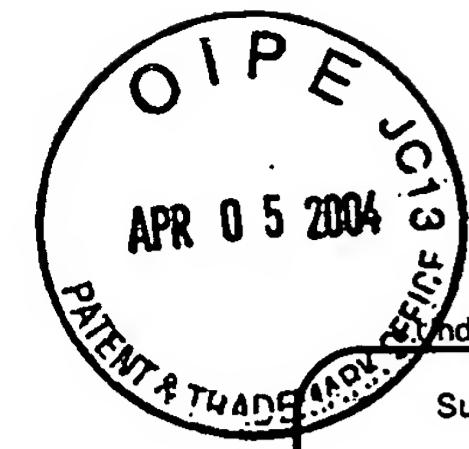
FOREIGN PATENT DOCUMENTS

Examiner Signature	Date Considered
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Application Number	10/015,862
Filing Date	December 12, 2001
First Named Inventor	Michael D. Hooven
Art Unit	3739
Examiner Name	Rosiland S. Kearney

Sheet 2 of 3

Attorney Docket Number 0320-0018 (HOOV 118)

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (<i>if known</i>)			
21	US- 2002/0107513 A1	08-08-2002	Hooven, Michael D.		
22	US- 2002/0103484 A1	08-01-2002	Hooven, Michael D.		
23	US- 2002/0091384 A1	07-11-2002	Hooven, Michael D.		
24	US- 2002/0091383 A1	07-11-2002	Hooven, Michael D.		
25	US- 2002/0091382 A1	07-11-2002	Hooven, Michael D.		
26	US- 2002/0032440 A1	03-14-2002	Hooven, Michael D.		
27	US- 2001/0031961 A1	10-18-2001	Hooven, Michael D.		
28	US- 6,488,680	12-03-2002	Francischelli et al.		
29	US- 6,267,761	07-31-2001	Ryan		
30	US- 6,273,887	08-14-2001	Yamauchi et al.		
31	US- 6,296,640	10-02-2001	Wampler et al.		
32	US- 6,391,024	05-21-2002	Sun et al.		
33	US- 2001/0039419 A1	11-08-2001	Francischelli et al.		
34	US- 6,277,117	08-21-2001	Tetzlaff et al.		
	US-				

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (<i>if known</i>)				
35	WO 01/82812 A1		11-08-2001	Medtronic, Inc.		
36	WO 01/82813 A2		11-08-2001	Medtronic, Inc.		
37	WO 01/82813 A3		11-08-2001	Medtronic, Inc.		

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Substitute for form 1449B/PTO				<i>Complete if Known</i>	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Application Number	10/015,862
				Filing Date	December 12, 2001
				First Named Inventor	Michael D. Hooven
				Group Art Unit	3739
				Examiner Name	Rosiland S. Kearney
Sheet	3	of	3	Attorney Docket Number	HOOV 118 (0320-0018)

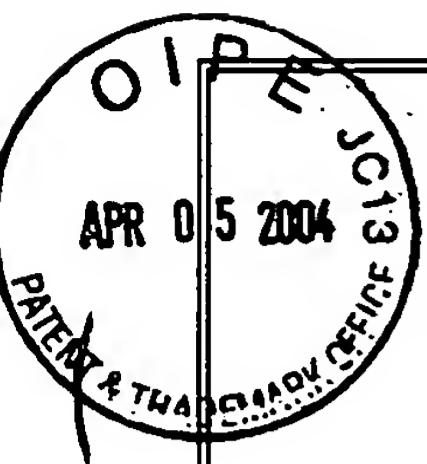
OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS

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LIST OF PUBLICATIONS
CITED BY APPLICANT

Attorney Docket No.
HOOV 118

Serial No.
10/015, 862

Applicant
Michael D. HOOVEN, et al.

Filing Date
December 12, 2001

Group
3762

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	5,562,721	10/08/96	Marchlinski et al	607	99	05/10/95
	5,564,440	10/15/96	Swartz et al	128	898	11/03/94
	5,582,609	12/10/96	Swanson et al	606	39	08/08/94
	5,587,723	12/24/96	Otake et al	345	118	04/13/94
	5,595,183	01/21/97	Swanson et al	128	697	02/17/95
	5,599,350	02/04/97	Schulze et al	606	51	04/03/95
	5,611,813	03/18/97	Lichtman	606	205	04/28/95
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	5,642,736	07/01/97	Avitall	128	772	08/19/96
	5,655,219	08/05/97	Jusa et al	370	338	03/04/94
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	5,697,925	12/16/97	Taylor	606	34	06/09/95

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	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	WO 97/32525	09/12/97	Cardiac Pathways Corp.			11/04/96
	WO 99/44519	09/10/99	Atrionix, Inc.			03/02/99
	WO 99/59486	11/25/99	New England Medical Ctr.			05/20/99
	WO 00/21449	04/20/00	Levin, J.M.			10/09/98

OTHER PUBLICATIONS
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LIST OF PUBLICATIONS CITED BY APPLICANT	<u>Attorney Docket No.</u> HOOV 118	<u>Serial No.</u> 10/015,862
	<u>Applicant</u> Michael D. HOOVEN, et al.	
	<u>Filing Date</u> December 12, 2001	<u>Group</u> 3762

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE
	5,980,516	11/09/99	Mulier et al	606	41	03/09/98
	5,980,517	11/09/99	Gough	606	41	03/25/98
	5,984,281	11/16/99	Hacker et al	261	71	12/08/97
	5,997,533	12/07/99	Kuhns	606	41	01/30/98
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	6,012,457	01/11/00	Lesh	128	898	07/08/97
	6,013,074	01/11/00	Taylor	606	34	12/15/97
	6,016,809	01/25/00	Mulier et al	128	898	10/09/97
	6,017,358	01/25/00	Yoon et al	606	205	05/01/97
	6,023,638	02/08/00	Swanson	600	510	05/22/98
	6,024,740	02/15/00	Lesh et al	606	34	07/08/97
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	6,030,403	02/29/00	Long et al	606	185	03/18/99
	6,036,670	03/14/00	Wijeratne et al	604	96	12/23/97
	6,039,731	03/21/00	Taylor et al	606	34	10/29/98
	6,039,733	03/21/00	Buysssee et al	606	40	06/25/98
	6,039,748	03/21/00	Savage et al	606	180	08/05/97
	6,047,218	04/04/00	Whayne et al	607	122	04/23/99
	6,048,329	04/11/00	Thompson et al	604	95	10/30/97
	6,110,098	08/29/00	Renirie et al	600	16	12/18/96

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(Including Author, Title, Date, Pertinent Pages)

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Sheet	10	of	12	Attorney Docket Number	HOOV 118

U.S. PATENT DOCUMENTS

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Sheet

11 of 12

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Group Art Unit	3762
Examiner Name	

Attorney Docket Number HOOV 118

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials ¹	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	24	YOSHIO KOSAKAI, M.D., ET AL., "Cox Maze Procedure for Chronic Atrial Fibrillation Associated with Mitral Valve Disease," THE JOURNAL OF THORACIC AND CARDIOVASCULAR SURGERY, 1994; Vol. 108, No. 6, pp. 1049-1055.	
	25	Ki-Bong Kim, M.D., ET AL., Abstract "The Cox-Maze III Procedure for Atrial Fibrillation Associated with Rheumatic Mitral Valve Disease," THE ANNALS OF THORACIC SURGERY, 2000; pp. 1-5.	
	26	HIROSHI NAKAGAWA, ET AL., Abstract, "Creation of Long Linear Transmural Radiofrequency Lesions in Atrium Using a Novel Spiral Ribbon - Saline Irrigated Electrode Catheter," JOURNAL OF AMERICAN COLLEGE OF CARDIOLOGY, February, 1996.	
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Examiner Signature	Date Considered
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